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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/345,621 06/30/99 KIMENER

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PM82/0307  
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EXAMINER

THOMPSON, H

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 03/07/00

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/345,621**

Applicant(s)

**Kimener, Tom**

Examiner  
**Hugh B. Thompson**

Group Art Unit  
**3634**



☒ Responsive to communication(s) filed on Jun 30, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed **250 words** and **25 lines** in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 1, lines 1 and 2, is "an edge" and "a loading edge" the same edge. If so, then the applicant has improperly included the same edge twice. Correction is required. Further, in claims 1 and 18, line 2, it appears that "from," should read --from--.

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4. Each of claims 9-11 and 13 positively recite the combination of "the floor of the loading platform" and the assembly, while the preamble suggests the subcombination of only the assembly. Is the applicant requiring a loading platform? If the applicant is not claiming the combination, then it is suggested that the applicant reference the top and bottom rails of the gate segments relative to bottom edges of the guide rails.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13, <sup>and 18</sup> are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris #4,422,264 in view of Desrosiers #5,701,701. Harris, as best seen in Figures 2 and 3, discloses a barrier assembly 10 comprised of rectangular welded gate segments 20, 22, U-shaped guide rails 24, 26, 46, gate segment rollers 21, stops 50, 51, with the bottom edges of the guide rails also serving as stops to limit movement of the gate segments within the guide rails, and overhead supports 34, 36, 38, 40, 44, having a cable 32 serving as a connection between the gate segments and the overhead supports which facilitates raising and lowering of the segments.

7. Harris fails to disclose rigid crossbars pivotally connected to both gate segments, a spring mounted between an overhead support and the crossbars, a segmented cross bar having pivot

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connections therein, rollers extending from the segmented crossbar sections, and a contact plate in front of the guide rails.

8. Desrosiers teaches the utility of a barrier assembly 10 comprised of rigid crossbars 20, 22, which are pivotally connected to gate segments 16, 18. Rigid pivoting crossbars allow for predetermined spacing between gate segments and further permits each segment to be in an open and closed position relative to the other segment as the segments are raised or lowered.

Therefore, to one of ordinary skill in the art, it would have been obvious to provide the barrier assembly of Harris with rigid pivoting crossbars as taught by Desrosiers so as to allow for predetermined spacing between gate segments and to further permit each segment to be in an open and closed position relative to the other segment, as the segments are raised or lowered.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Desrosiers as applied to claims 1-13 above, and further in view of Walling #2,226,033. Walling, as disclosed in column 3, lines 50-75, teaches the utility of springs 24, 24', 25, 25', 28, 28', 29, 29' which are attached to pivoting bars 18, 19, this arrangement facilitating the opening and closing movements of door segments 14-17 as well as providing a means for reducing the amount of force needed to raise and lower the door segments. Therefore, to one of ordinary skill in the art it would have been obvious, as a matter of engineering design choice, to provide the assembly of Harris in view of Desrosiers as set forth above, with a spring arrangement as taught by Walling which facilitates the opening and closing movements of door/gate segments and provides a means for reducing the amount of force needed to raise and lower the door/gate segments.

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17. + 19,  
10. Claims ~~15~~-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Desrosiers as applied to claims 1-13 above, and further in view of Young #3,378,059. Young teaches the utility of segmented pivoting crossbars 22, 23, which are pivotally connected to door segments 10, 12, 14, have rollers 20 at their pivot joints, the rollers being received in guide rails 40, 42. The segmented crossbars allow for concurrent movement between door/gate segments and the rollers permit controlled movement of the cross bars relative to the guide rails. Therefore, to one of ordinary skill in the art, it would have been obvious to provide the assembly of Harris in view of Desrosiers as set forth above, with a segmented pivoting crossbar as taught by Young so as to allow for concurrent movement between door/gate segments and the rollers permit controlled movement of the cross bars relative to the guide rails.

include  
element  
as  
a contact  
plate

### Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sammons #3,429,072 and Lichy #4,379,478 are cited to teach door spring arrangements and door panels pivotally connected to one another by a crossbar respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hugh B. Thompson whose telephone number is (703) 305-0102. The examiner can normally be reached on Monday thru Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Hugh B. Thompson

March 2, 2000

HB1



Daniel P. Stodola  
Supervisory Patent Examiner  
Group 3600